

2019 Bill Text MN H.B. 2593

Introduced, March 18, 2019

Reporter

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Notice

Added: Text highlighted in green

THE STATE OF MINNESOTA BILL TEXT > MINNESOTA 91ST REGULAR SESSION > HOUSE BILL 2593

Synopsis

A bill for an act relating to housing; providing for a right to counsel in certain public housing eviction actions; proposing coding for new law in Minnesota Statutes, chapter 504B.

Text

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1.

104B.268] RIGHT TO COUNSEL IN PUBLIC HOUSING; BREACH OF LEASE EVICTION ACTIONS.

1UBDIVISION 1. RIGHT TO COUNSEL. A DEFENDANT IN PUBLIC HOUSING SUBJECT TO AN EVICTION ACTION UNDER SECTIONS 504B.281 TO 504B.371 ALLEGING BREACH OF LEASE UNDER SECTION 504B.171 OR 504B.285 WHO IS FINANCIALLY UNABLE TO OBTAIN COUNSEL HAS THE RIGHT TO COUNSEL APPOINTED BY THE COURT. THE COMPLAINT REQUIRED BY SECTION 504B.321 SHALL INCLUDE THE NOTICE ON THE FIRST PAGE OF THE COMPLAINT IN BOLD 12-POINT TYPE: "IF FINANCIALLY UNABLE TO OBTAIN COUNSEL, THE DEFENDANT HAS THE RIGHT TO A COURT-APPOINTED ATTORNEY." AT THE INITIAL HEARING, THE COURT SHALL ASK THE DEFENDANT IF THE DEFENDANT WANTS COURT-APPOINTED COUNSEL AND SHALL EXPLAIN WHAT SUCH APPOINTED COUNSEL CAN ACCOMPLISH FOR THE DEFENDANT.

1UBD. 2. QUALIFICATIONS. COUNSEL APPOINTED BY THE COURT MUST (1) HAVE A MINIMUM OF TWO YEARS' EXPERIENCE HANDING PUBLIC HOUSING EVICTIONS; (2) HAVE TRAINING IN HANDLING PUBLIC HOUSING EVICTIONS; OR (3) BE SUPERVISED BY AN ATTORNEY WHO MEETS THE MINIMUM QUALIFICATIONS UNDER CLAUSE (1) OR (2).

1UBD. 3. COMPENSATION. BY JANUARY, 15, 2020, AND EVERY YEAR THEREAFTER, THE CHIEF JUDGE OF THE JUDICIAL DISTRICT, AFTER CONSULTATION WITH PUBLIC HOUSING ATTORNEYS, LEGAL AID ATTORNEYS, AND MEMBERS OF THE PRIVATE BAR IN THE DISTRICT, SHALL ESTABLISH A COMPENSATION RATE FOR ATTORNEY FEES AND COSTS ASSOCIATED WITH REPRESENTATION UNDER SUBDIVISION 1. THE COMPENSATION TO BE PAID TO AN ATTORNEY FOR SUCH SERVICE RENDERED TO A DEFENDANT UNDER THIS SUBDIVISION MAY NOT EXCEED \$ 5,000, EXCLUSIVE OF REIMBURSEMENT FOR EXPENSES REASONABLY INCURRED, UNLESS PAYMENT IN EXCESS OF THAT LIMIT IS CERTIFIED BY THE

CHIEF JUDGE OF THE DISTRICT AS NECESSARY TO PROVIDE FAIR COMPENSATION FOR SERVICES OF AN UNUSUAL CHARACTER OR DURATION.

History

HF 2593

AS INTRODUCED - 91ST LEGISLATURE (2019 - 2020) POSTED ON 03/18/2019

Sponsor(s)

Richardson

Classification

Subject: EVICTION (93%); LEGISLATORS (92%); LAWYERS (91%); LEGISLATION (90%); LAW COURTS & TRIBUNALS (90%); RIGHT TO COUNSEL (90%); PUBLIC DEFENDERS (90%); PUBLIC HOUSING (90%); JUDGES (77%); REAL PROPERTY LAW (77%); ATTORNEYS FEES (77%); LEGAL AID (71%); LAW FIRM BILLABLE RATES (69%)

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